

REMARKS

This reply encompasses a bona fide attempt to overcome the rejections raised by the Examiner and the reasons why the Applicant believes the rejections should be withdrawn.

Amendment to the Specification

The Applicant has corrected some informalities in the specification. The amendments are made without adding new matter to the specification.

Amendment to the Claims

The Applicant has amended claim 23.

Claim Rejections 35USC-102(b)

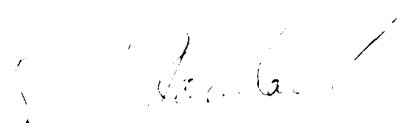
Claims 23-25 are rejected under U.S.C 102(b) as being anticipated by Griggs et al. The office action states that Griggs et al discloses an apparatus comprising: a spectrometer, a processing unit and a computing unit. However, as the examiner has already pointed out, for the allowed claims Griggs does not disclose or suggest "determining a reference temperature functionsuch that a ratio of said probe temperature function to said reference temperature function is substantially constant over said temperature range in conjunction with the rest of the claimed subject matter". Therefore, it follows that a processing unit that performs the above function and for which support is found in the disclosure, Pg 8 lines 30-34, which claim is allowable. It also follows that dependant claims 24-28 are now allowable.

Claim Rejections 35USC-103

The Applicant would like to respectfully point out that as Griggs et al does not disclose the claimed invention, it would not be obvious to a person of average skill in the art to combine Pinvidic et al with Griggs et al.

The present application shows a novel device and method of use, which could not have been anticipated nor have been suggested by the prior art of record. In view of all the amendments the examiner is respectfully requested to withdraw the rejections and allow claims 23-28 and pass this application to issue.

Respectfully submitted,



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